

SHAUN FOLTS  
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FILED

MAR 08 2019

CARMELITA REEDER SHINN, CLERK  
U.S. DIST. COURT, WESTERN DIST. OKLA.  
BY OL DEPUTY

THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

SHAUN FOLTS  
Plaintiff

v.

GRADY COUNTY BOARD  
OF COUNTY COMMISSIONERS., et al.  
Defendants

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Case No. CIV. 15-996-SLP

PLAINTIFFS MOTION FOR  
RECONSIDERATION

A. RELIEF SOUGHT

Pro Se Plaintiff Shaun Folts asks the court to reconsider the Summary Judgement against him

B. INTRODUCTION

The court granted defendants Mangus and Fisher's motion for Summary Judgement on November 22 2017

Plaintiff Files this motion for reconsideration and asks the court to alter and/or amend Summary Judgement

C. GROUNDS FOR RELIEF

The court should grant plaintiffs motion for reconsideration for the following reasons:

1. "Grounds Warranting a motion to reconsider include (a) an intervening change in controlling law, (b) new evidence previously unavailable, and (c) the need to correct error or prevent manifest injustice", see *Servants of the Paraclete v. John Does I*, XVI 204 F.3d 1005, 1012 (10th cir 2000)

"A motion to reconsider is appropriate where the court has misapprehended the facts, a party's position, or the controlling law. *Id*

#### D. ARGUMENT

2. The judgement contains clear error of law and reconsideration is necessary to prevent manifest of injustice see *Collision v. Intl Chem. Workers un. Local 217* 34 F.3d 233 (4th cir 1994)

3. The courts adoption of the magistrate Judges report and recommendation is manifestly unjust because it grants the defendants Summary Judgement, Specifically ;

(a) The report and recommendation produced by the u.s. magistrate Judge and adopted by the u.s. District court Judge, reflects the need to correct error and/or prevent manifest injustice.

(b) Controlling law required the u.s. magistrate Judge and u.s. District court Judge to apprehend the Facts correctly.

(c) Plaintiff's Second cause of action within his Third Amended Complaint is a claim based on Deliberate Indifference. (see Exhibit A) and (Exhibit B) attached

(d) The defendants in their motion for Summary Judgement used a Well Known trick by converting plaintiffs Deliberate Indifference claim into an Excessive Force claim.

(e) Both the u.s. magistrate Judge and District court Judge failed to apprehend the Facts correctly. The u.s. magistrate Judge in his report and recommendation erroneously alleged that plaintiff sought liability against both defendant Mangus and Fisher based on Excessive Force. This was negligent and/or deliberate.

(f) No where within Plaintiff's Third Amended Complaint does he allege Excessive Force.

(G) It is manifestly unjust for the court to allow this error to persist.

(H) Plaintiff is being cheated of justice and the court instills in both the public and plaintiff it is either dishonest or not competent and will openly violate the public trust.

#### E. CONCLUSION

For these reasons, pro se plaintiff asks the court to grant this motion for reconsideration

Dated: February 19 2019

Respectfully Submitted

Shaun Bits

CERTIFICATE OF SERVICE

This is to certify that on February 19 2019, a copy of this document was sent to the following by U.S. mail:

CLERK, U.S. District Court  
U.S. Courthouse  
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Oklahoma City OK 73102-3092

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Respectfully Submitted

Shaun Forts